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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: HARDIN ET AL.
SERIAL NO.: 09/901,782
FILED: 7/9/2001

§ ART UNIT NO.: 1633
§ EXAMINER: SMITH, CL
§ DOCKET NO.: 00007701UTL
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TITLE: REAL-TIME SEQUENCE
DETERMINATION

571-273-8300 FACSIMILE NO.	CERTIFICATE OF MAIL BY FACSIMILE TRANSMISSION	1 February 2007 Date of Deposit
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EXAMINER CL SMITH MS AMENDMENT 571 273 8300		1 February 2007 Date of Signature

RESPONSE TO 3 NOVEMBER 2006 FINAL OFFICE ACTION

Dear Examiner Smith:

This is a response to the 3 November 2006 Final Office Action.

SUMMARY OF REJECTIONS

Claim 79	objected - "a site" in singular and later "are not sites"
Claims 10, 13-19 and 79-99	112, first paragraph, - lacking 3' to 5' exonuclease activity
Claims 79 and 89	112, second paragraph - the cysteine
Claims 10, 13-18, 50-55, 57-62, 64-69, and 71-77	102(e) - Korch et al. + Wisniewski et al. + Gardner et al.
Claims 79-87 and 89-98	103(a) - Korch et al. + Wisniewski et al. + Gardner et al. + Schneider et al.

Preliminary Statement

Applicants respectfully disagree with the Examiner's contention that Applicants cannot now antedate the Korch et al. reference. Applicants made the Examiner aware of Korch et al. and the Schneider et al. references almost five years ago through an IDS submission. The original Korch et al. application was filed in the United States and in the PCT in May of 2000, these applications claiming priority to an earlier US provisional filing. The original Schneider et al. application was filed in the PCT designating the United States also claiming priority to an earlier US provisional filing. The Schneider et al. PCT application was later nationalized in the United States.

However, it was only after Applicants received a Notice of Allowance that the Patent Office elected to bring rejections relating to Korch et al. and Schneider et al. against this application.

Applicants are submitting, via a Rule 131 declaration, antedating documentation as it relates to using beta or gamma labeled dNTPs in sequencing. Applicants believe that this documentation